

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

In the Matter of License 10329 (Application 20541)

**Thornhill Vineyard Properties, LLC**

**ORDER ISSUING AMENDED LICENSE**

SOURCE: Russian River tributary to Pacific Ocean

COUNTY: Mendocino

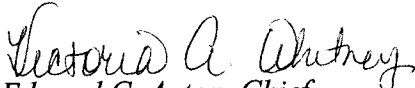
**WHEREAS:**

1. License 10329 was issued pursuant to permitted Application 20541 on July 16, 1974, and was recorded with the County Recorder of Mendocino County on July 8, 1974, in Book 968, Page 310. Recording of this license, and subsequent Orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 10329 shows the current holder of the license as Thornhill Vineyard Properties, LLC.
3. Division staff conducted a compliance inspection on August 8, 2001, and found that Point of Diversion 2 was abandoned. Division staff also found that a correction in the description of Point of Diversion 1 was warranted and that a point of rediversion needed to be added. The 150 cubic feet per second bypass term is no longer applicable and should be deleted in accordance with Paragraph 15.10 of State Water Resources Control Board (SWRCB) Decision 1610.
4. The SWRCB has determined that the license shall be amended to include the following specific corrections or changes:
  - a. Correcting the description of Point of Diversion 1;
  - b. Adding a Point of Rediversion;
  - c. Deleting Point of Diversion 2; and
  - d. Deleting the existing bypass term in accordance with Paragraph 15.10 of SWRCB Decision 1610.
5. The SWRCB standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for a State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

**THEREFORE, IT IS ORDERED:**

The attached Amended License 10329 is issued, superseding former License 10329 issued on July 16, 1974. The priority of Amended License 10329 is December 27, 1961.

STATE WATER RESOURCES CONTROL BOARD

*for*   
Edward C. Anton, Chief  
Division of Water Rights

Dated: **MAY 21 2003**



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 20541  
Page 1 of 4

PERMIT 14322

LICENSE 10329

**THIS IS TO CERTIFY, That**

Thornhill Vineyard Properties, LLC  
c/o Alfred White  
6800B Eastside Road  
Ukiah, CA 95482

has the right to the use of the waters of **Russian River** in **Mendocino County**

tributary to **Pacific Ocean**

for the purpose of **Irrigation use**.

**Amended License 10329** supersedes the license originally issued on **July 16, 1974**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 14322**. The priority of this right dates from **December 27, 1961**. Proof of maximum beneficial use of water under this license was made as of **May 22, 1973 and August 8, 2001** (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **nine-hundredths (0.09) cubic foot per second, to be diverted from May 1 to July 1 of each year. The maximum amount diverted under this license shall not exceed 10.8 acre-feet per year.**

So long as there is no interference with other rights, junior, as well as senior, licensee may increase the rate of diversion to a maximum of 767 gallons per minute; provided that the total quantity diverted in any 30-day period does not exceed 5.4 acre-feet.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:**

Point of Diversion No. 5 - South 1,130 feet and East 2,930 feet from the NW corner of projected Section 23, T14N, R12W, MDB&M, being within NW¼ of NE¼ of said Section 23.

**THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED:**

North 280 feet and East 2,830 feet from the SW corner of projected Section 14, T14N, R12W, MDB&M, being within SW¼ of SE¼ of said Section 14.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL  
USE IS AS FOLLOWS:**

5 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 14, T14N, R12W, MDB&M  
8 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 23, T14N, R12W, MDB&M

13 acres total, as shown on map dated September 24, 2002 on file with the SWRCB.

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*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

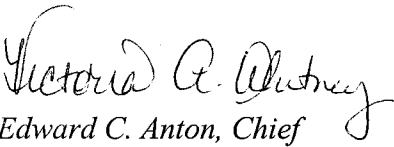
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

  
for Edward C. Anton, Chief  
Division of Water Rights

Dated: **MAY 21 2003**



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 20541

PERMIT 14322

LICENSE 10329

THIS IS TO CERTIFY, That

HUGO OSWALD AND BEATRICE OSWALD  
P. O. BOX 157, TALMAGE, CALIFORNIA 95481

HAVE made proof as of MAY 22, 1973 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
RUSSIAN RIVER IN MENDOCINO COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION USE  
under Permit 14322 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from DECEMBER 27, 1961 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed NINE-HUNDREDTHS (0.09) CUBIC FOOT PER SECOND, TO BE  
DIVERTED FROM MAY 1 TO JULY 1 OF EACH YEAR. SO LONG AS THERE IS NO INTERFERENCE WITH  
OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE OF DIVERSION  
TO A MAXIMUM OF 767 GALLONS PER MINUTE; PROVIDED THAT THE TOTAL QUANTITY DIVERTED IN  
ANY 30-DAY PERIOD DOES NOT EXCEED 5.4 ACRE-FEET. THE MAXIMUM AMOUNT DIVERTED UNDER  
THIS LICENSE SHALL NOT EXCEED 10.8 ACRE-FEET PER YEAR.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) SOUTH 900 FEET AND WEST 2,250 FEET FROM NE CORNER OF SECTION 23, T14N, R12W, MDB&M, BEING WITHIN NW1/4 OF NE1/4 OF SAID SECTION 23 AND
- (2) NORTH 1,050 FEET AND EAST 1,250 FEET FROM SW CORNER OF SECTION 14, T14N, R12W, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 14.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

5 ACRES WITHIN SW1/4 OF SE1/4 OF SECTION 14, T14N, R12W, MDB&M  
8 ACRES WITHIN NW1/4 OF NE1/4 OF SECTION 23, T14N, R12W, MDB&M

13 ACRES TOTAL

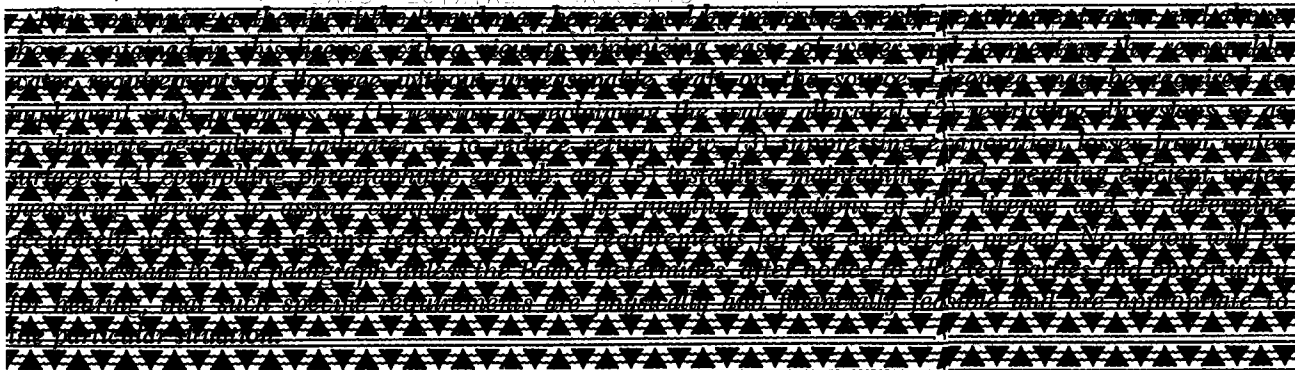
DIVERSION UNDER THIS LICENSE IS AUTHORIZED ONLY AT SUCH TIMES AS THE FLOW  
OF RUSSIAN RIVER AT THE POINT OF DIVERSION EXCEEDS REQUIREMENTS FOR DOWNSTREAM  
PRIOR RIGHTS PLUS 150 CUBIC FEET PER SECOND FOR RECREATIONAL PURPOSES AND FOR  
THE MAINTENANCE OF FISH LIFE.

014 0068

11/21/96 Asgd: App#20541 Lic#10329  
Hugo S. Oswald Jr., Beatrice S. Oswald,  
Miles S. Oswald & Tracy Oswald

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*



*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

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Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUL 3 1974

STATE WATER RESOURCES CONTROL BOARD

L. L. Rosenberger  
Acting Chief, Division of Water Rights

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